

REMARKS

In this Office Action, the Examiner rejected claims 15-19, 23, 37-42, 44, 45, 50, 52 and 55-58. Claims 20, 21, 43, 53 and 54 are subject to a restriction requirement.

I. Election/Restrictions

The Examiner withdrew from further consideration pursuant to 37 C.F.R. Section 1.142(b) claims 20, 21, 43, 53 and 54 from further consideration as being drawn to a non-elected species. Applicant requests that claims 20, 21, 43, 53 and 54 be added back in and be allowed as it is submitted that their claims depend from allowable claims.

II. Claims Rejected Under 35 U.S.C. Section 112

The Examiner rejects claims 50, 52 and 55 - 58 under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse this rejection.

The Examiner argues that it is unclear which structures in the claims constitute the male coupling and the female coupling since both the structure for the male coupling and the structure for the female coupling extend from a base. Applicants point out that merely because two structures extend from a base it does not follow that the structures cannot be differentiated into male and female couplings. The claims clearly set forth and differentiate the male and female couplings. For example, claims 50, 55 and 57 recite in part, wherein the distal end of the female coupling mechanism can pass through said slot located adjacent to said male holder-engaging mechanism of an adjacent holder to which the female coupling mechanism is inserted. Claim 56 recites in part, a rounded inner surface of said female coupling mechanism interlocks with a male coupling mechanism. And claim 58 recites in part, the male coupling mechanism nesting with the female coupling

mechanism. Thus, even though both the male and female coupling mechanisms extend from a base, they are each distinctly claimed.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claims 50 and 55 - 58. Claim 52 depends from claim 50 and as such is patentable for at least the same reasons given in connection with claim 50.

III. Claims Rejected Under 35 U.S.C. Section 102(b)

The Examiner rejects claims 15, 17, 19, 37, 40 and 41 under 35 U.S.C. Section 102(b) as being anticipated by Deutsche patent no. DE 9313107 ('107). Applicants respectfully traverse this rejection.

To anticipate a claim, every element of the claim must be disclosed within a single reference. Claim 15 recites in part, the second holder-engaging mechanism of each said holder is adapted to be seated in a groove between adjacent teeth on a sprocket, and wherein the distal end of the second holder-engaging mechanism of the second said holder can pass through said slot located adjacent to the first holder-engaging mechanism of said holder.

Claim 15 calls for a first holder-engaging mechanism (e.g., a male coupling mechanism such as element 21 in Figure 5) which has a slot (such as slot 25 in Figure 5 located adjacent thereto) and a second holder-engaging mechanism (e.g., a female coupling mechanism such as element 17 in Figure 5). The slot is associated with the male coupling mechanism and is not part of or does not form the female coupling mechanism.

'107 has only two elements, the male coupling mechanism 23 and the female coupling mechanism 21, which female coupling mechanism is also the slot. '107, Fig. 7b.

Thus, the present invention has a structure that is different from the prior art. This difference assists in the spreading apart of the holders so that the user can conveniently remove the object, such as a CD, held by the holder. This present invention describes an efficient and compact device that can retain a large number of

CD's, yet provided that the CD's are conveniently spread apart when the holders reach the top of the loop of holders, at the time when the distal end of the female coupling device passes through the slot located adjacent to the male coupling mechanism.

In addition, '107 discloses that a container 20 is interlocked with other containers to form a chain which apparently rotates around hub 7. The holder-engaging mechanisms (21, 23), disposed on opposite ends of container 20, do not come into contact with hub 7, however. Instead, the flat interior surface 24 of container 20 is engaged by hub 7 to cause rotation of the chain. '107, Figs. 6, 7b. It follows that the holder-engaging mechanisms in '107 are not adapted to be seated in a grove between adjacent teeth on a sprocket. This is also apparent since hub 7 is an octagonal shape having flat sides, not teeth.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 15. Claims 17 and 19 depend from claim 15 and as such are patentable for at least the same reasons given in connection with claim 15.

Claim 37 recites in part, a base having an inward and outward surface, said inward surface having a male coupling mechanism and a female coupling mechanism, said male and female coupling mechanisms extending inwardly from said inward surface.

'107 shows a continuous loop of holders. '107, Fig. 6. Each holder 20 has two coupling mechanisms (21, 23) that are disposed on opposite ends of a holder. '107, Fig. 7b. For the sake of argument, if the Examiner considers the side 24 of holder 20 which comes into contact with hub 7 to be the inward surface of holder 20, then holder-engaging mechanisms 21 and 23 are not disposed on the inward surface of holder 20. If the Examiner considers the cross-section of holder 20 in Figure 7b to be the inward surface, the argument also fails since the holder-engaging mechanisms 21 and 23 do not extend inwardly from the inward surface. Rather, the holder-engaging mechanisms lie in the same plane as the inward surface.

It is submitted that claim 37 is also allowable for the reasons that claim 15 is allowable.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 37. Claims 40 and 41 depend from claim 37 and as such are patentable for at least the reasons given in connection with claim 37.

The Examiner rejects claims 15, 17, 23, and 37 under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 887,282 to H.C. Smith ("Smith"). Applicants respectfully traverse this rejection.

Claim 15 recites in part, the second holder-engaging mechanism of each said holder is adapted to be seated in a groove between adjacent teeth on a sprocket, and wherein the distal end of the second holder-engaging mechanism of the second said holder can pass through said slot located adjacent to the first holder-engaging mechanism of said holder.

Smith discloses a rotating filing cabinet having holders connected to form a continuous loop. Smith, Figures 1 - 5 and accompanying text. The holder-engaging mechanisms 27 and 28 do not come into contact with wheels 11 and 14. Instead, projection 26 (which is situated on the interior side of each holder 22) is adapted to bear upon wheels 11 and 14 when the loop is in motion. Smith, Figures 1 and 2, and column 2 lines 14 - 22. Since the holder-engaging mechanisms 27 and 28 do not come into contact with the surface of either wheel 11 or 14, it follows that Smith does not teach that a holder-engaging mechanism is adapted to be seated in a groove between adjacent teeth on a sprocket. Also, Smith does not teach a slot in association with a first holder-engaging mechanism that can receive the distal end of a second holder-engaging mechanism to allow the holders to spread apart at the top of the loop so that an object can be selected.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 15. Claims 17 and 23 depend from claim 15 and as such are patentable for at least the reasons given in connection with claim 15.

Claim 37 recites in part, a base having an inward and outward surface, said inward surface having a male coupling mechanism and a female coupling mechanism, said male and female coupling mechanisms extending inwardly from said inward surface.

The chain 20 in Smith is formed by connecting a plurality of compartments together, the hook 27 of one compartment engaging the eyelet 28 of another to form an endless loop. Smith, col. 2, lines 9 - 20. Hinged door 23 is disposed on the exterior surface of each compartment. Smith, Figure 3. The side of container 22 opposite the hinged door 23 is the interior side since it comes into contact with wheels 11 and 14, which are located in the interior of the rotating filing cabinet. Hook 27 and eyelet 28 extend from the top and bottom of a container respectively, but not from the interior side of the container. Thus, hook 27 and eyelet 28 do not extend inwardly from the inward surface of container 22. Furthermore, if the Examiner considers the cross-section of container 22 in Fig. 3 to be the inward surface, the analogy also fails since the holder-engaging mechanisms 27 and 28 do not extend inwardly from the surface. Rather, they lie in the same plane as the inward surface. Also, as with claim 15, Smith does not disclose a slot associated with a male coupling mechanism.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 37.

IV. Claims Rejected Under 35 U.S.C. Section 103(a)

The Examiner rejects claims 18, 38, 39, 42, 44 and 45 under 37 U.S.C. Section 103(a) as being unpatentable over ‘107 as applied to claims 15, 17, 19, 37, 40 and 41, and further in view of U.S. Patent No. 5,464,091 to Callahan, et al. (“Callahan”). Applicants respectfully traverse this rejection.

A *prima facie* obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. Applicants respectfully submit that the Examiner has failed to set forth a *prima facie* case of obviousness.

Claim 18 depends from independent claim 15. As argued above, '107 does not teach or suggest that the second holder-engaging mechanism of each said holder is adapted to be seated in a groove between adjacent teeth on a sprocket, as recited in Claim 15. In addition, '107 also fails to teach or suggest that the distal end of the second holder-engaging mechanism of the second said holder can pass through said slot located adjacent to the first holder-engaging mechanism, also recited in Claim 15. Callahan fails to remedy these deficiencies.

Accordingly, since claim 18 depends from claim 15, Applicants respectfully request the withdrawal of the rejection of claim 18.

Claim 38 depends from independent claim 37. As argued above, '107 fails to teach or suggest an inward surface having a male coupling mechanism and a female coupling mechanism, said male and female coupling mechanism extending inwardly from said inward surface, as recited in Claim 37. Callahan fails to remedy the deficiencies in '107. Claims 38, 39, 42, 44 and 45 also depend from independent claim 37. As such, the rejected dependent claims are patentable for at least the reasons given in connection with claim 37.

The Examiner rejects claims 23, 50, and 52 under 35 U.S.C. Section 103(a) as being unpatentable over '107 in view of Callahan as applied to claims 15 - 19, 37 - 42, 44, and 45, and further in view of U.S. Patent No. 1,995,273 to J.F. Dohrwardt ("Dohrwardt"). Applicants respectfully traverse this rejection.

Claim 23 depends from independent claim 15. Neither '107 nor Callahan teach or suggest a second holder-engaging mechanism of each said holder is adapted to be seated in a groove between adjacent teeth on a sprocket, as recited in Claim 15. Likewise, Dohrwardt fails to teach or suggest this feature. The holder-engaging mechanisms 16 and 17 of Dohrwardt do not come in contact with the teeth 20 of sprocket 21. Dohrwardt, Fig. 1. In contrast, when a chain of holders 10 is disposed over a sprocket 21, the sprocket teeth extend through notches provided at 19. Thus, any rotation of sprocket 21 will engage the notches provided at 19, not holder engagement members 16 and 17. Hence, '107, Callahan and Dohrwardt do not teach or suggest a second holder-engaging mechanism being seated in a groove between adjacent teeth on a sprocket.

Accordingly, since claim 23 depends from claim 15, Applicants respectfully request the withdrawal of claim 23.

Claim 50 recites in part, said outer surface of said female coupling mechanism is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

As argued above, ‘107, Callahan and Dohrwardt do not teach or suggest an outer surface of a female coupling mechanism that is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 50.

Claim 52 recites in part, said female coupling mechanism is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

As argued above, ‘107, Callahan and Dohrwardt do not teach or suggest an outer surface of a female coupling mechanism that is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 52.

The Examiner rejects claims 55 - 58 under 35 U.S.C. Section 103(a) as being unpatentable over ‘107 in view of Callahan and Dohrwardt as applied to claims 15 - 19, 23, 37 - 42, 44, 45, 50 and 52, and further in view of Smith. As argued above, ‘107, Callahan and Dohrwardt do not teach or suggest an outer surface of a female coupling mechanism that is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 55.

Claim 56 recites in part, said female coupling mechanism is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

As argued above, ‘107, Callahan and Dohrwardt do not teach or suggest an outer surface of a female coupling mechanism that is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 56.

Claim 57 recites in part, said rounded outer surface of the female coupling mechanism is shaped and adapted to nest within a groove between adjacent teeth of a sprocket.

As argued above, '107, Callahan and Dohrwardt do not teach or suggest an outer surface of a female coupling mechanism that is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim independent 57.

Claim 58 recites in part, the female coupling mechanism is shaped and adapted to nest within a groove between adjacent teeth of a sprocket.

As argued above, '107, Callahan and Dohrwardt do not teach or suggest an outer surface of a female coupling mechanism that is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket.

Accordingly, Applicants respectfully request the withdrawal of the rejection of independent claim 58.

A Terminal Disclaimer is enclosed.

Should the Examiner have any questions or comments with reference to this Amendment and Response, a telephone call to the undersigned attorney is invited. A prompt examination and allowance of the present application is solicited.

Respectfully submitted,

Date: 9/4/02

By: 

Sheldon R. Meyer, Reg. No. 27,660

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

APPENDIX

As required by 37 C.F.R. §1.21(b)(iii), marked-up copies of the paragraphs of Applicants' Specification amended in this Amendment are provided below with insertions underlined and deletions bracketed.

The paragraph which begins on page 9, line 28 has been amended as follows:

Referring now specifically to Figures 4 and 5, each holder 32 includes first and second snap together couplings 17 and 21, preferably formed on the inward-facing surface 27 of holder 32. Preferably, the first coupling is a male or ball type [17] 21 and the second coupling is a socket or female type [21] 17. As best seen in Figs. 4 and 5, the male couplings and the female couplings are disposed on opposite sides of slot-like region 33. Adjacent each male coupling 21 is a slot 25 that extends through the holder 32. Male type coupling [17] 21 preferably has a curved cylindrical shape to hook or snap into a mating female socket [21] 17 on a next adjacent holder 32 coupling.

The paragraph which begins on page 10, line 5 has been amended as follows:

As shown in Fig. 6B, a snapped-together male and female coupling (from adjacent holders 32) form a hinge 50. The distal end 17a of each female coupling 17 may extend into the slot 25 when the male coupling 21 snaps into the female coupling 17. Such coupling advantageously helps holders 32 to be sufficiently flexibly interlinked so as to rotate around a sprocket 36, e.g., as shown in Fig. 7. As adjacent holders 32 rotate around the sprocket 36 and fan out, the distal end 17a of the female coupling 17 passes through the slot 25. In addition, as shown in Figs. 6A and 6B such coupling also permits adjacent holders to maintain their physical contiguous relationship with each other when rotated into vertical up and down portions of travel. Such close relationship advantageously helps rack 10 maximize storage density. As

described further with respect to Fig. 8, holder 32 preferably includes a pair of somewhat L-shaped slideable interlocks 47 that project from the inward facing surface 27 of holder 32 to define gaps or slots 42.

The paragraph which begins on page 10, line 17 has been amended as follows:

Referring once more to Fig. 7, the curved exterior surface of female [male] coupling 17 normally is seated in the groove or valley 41 between the adjacent teeth 37 on a sprocket 36. Such mating engagement not only makes effective engagement between continuous loop 23 of interlocked holders 32 and a drive sprocket 36, but advantageously promotes fan-out of holders 32 and their associated containers 18 at turnaround regions, e.g., region 11, as shown in Figs. 1, 2, 7, 9 and 10. As noted, such fanout permits a desired container 18 to be readily removed from rack 10 with a user's fingers.

In the Claims:

15. (Fourth amended) A holder usable to create a continuous loop formed by matingly interlocking adjacent such holders, the holder comprising:

first and second walls retained a spaced-apart distance from each other and adapted to admit [and frictionally retain] at least a portion of at least one object to be retained by said holder;

a first holder-engaging mechanism with a slot located adjacent thereto; and

a second holder-engaging mechanism having a distal end, which distal end is shaped in order to be received in said slot; and

wherein said first holder-engaging mechanism on said holder is disposed to matingly interlock with a second holder-engaging mechanism on a second said holder, and said second holder-engaging mechanism on said holder is disposed to matingly interlock with a first holder-engaging mechanism on a third said holder to form said loop; and

wherein the distal end of the second holder-engaging mechanism of the second said holder can pass through said slot located adjacent to the first holder-engaging mechanism of said holder to which the second holder-engaging mechanism is inserted to allow the second said holder to spread apart from said holder.

21. (Thrice Amended) The holder of claim 20, further including:

a rib member [joined to a portion of each of said first and second walls] to bifurcate an object retaining space between said first and second walls [into space and adapted to retain at least a portion of a first object and into space and adapted to retain at least a portion of a second object; and

a projecting member formed on at least one of said first and second walls on a surface facing a retained first and object and facing a retained second said object].

37. (Thrice Amended) A holder adapted to matingly interlock with adjacent such holders to create a continuous loop of said holders, the holder comprising:

a base having an inward and outward surface, said inward surface having a male coupling mechanism and a female coupling mechanism, said male and female coupling mechanisms extending inwardly from said inward surface;

first and second members spaced-apart from each other a distance and adapted to admit [and frictionally retain] at least a portion of an object, and said first and second member extending outwardly from said outward surface; and

said male and female coupling mechanism matingly interlock adjacent holders to each other to form a continuous loop; and

said male coupling mechanism having a slot located adjacent thereto;

said female coupling mechanism having a distal end, which distal end is shaped in order to be received in said slot;

wherein the distal end of female coupling mechanism of an adjacent holder can pass through said slot located adjacent to said male coupling mechanism of said holder to which the female coupling mechanism is inserted to allow the adjacent holder to spread apart from said holder.

50. (Twice Amended) A holder to retain a compact disc jewel-case, the holder adapted to interlock with similar holders to form a continuous loop, each holder comprising:

a base section adapted to be located adjacent a first edge of the jewel-case, having a male coupling mechanism and a female coupling mechanism, said female coupling mechanism having an inner surface and an outer surface;

a first finger extending from the base section and adapted to [receive] be positioned adjacent to a second edge of the jewel-case;

a second finger extending from the base section and adapted to [receive] be positioned adjacent to a third edge of the jewel-case; and

wherein said inner surface of said female coupling mechanism of said holder interlocks with a male coupling mechanism of an adjacent holder so that said base section of the holders form the continuous loop, and further where said outer surface of said female coupling mechanism is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket, promoting the jewel-case to fan-out at a turnaround region;

said male coupling mechanism extending from said base with a slot located through said base and adjacent to said male coupling mechanism;

said female coupling mechanism extending from said base having a distal end, which distal end is shaped in order to be received in said slot of an adjacent holder; and

wherein the distal end of the female coupling mechanism can pass through said slot located adjacent to said male holder-engaging mechanism of an adjacent holder to which the female

coupling mechanism is inserted to allow the holder and the another holder to spread apart in relation to each other.

56. (Once Amended) A holder to retain an object, the holder adapted to interlock with similar holders to form a continuous loop, each holder comprising:

a base having an [interior surface to frictionally retain the object] outwardly facing surface and an [exterior] inwardly facing surface having a male coupling mechanism and a female coupling mechanism, said female coupling mechanism having a rounded inner surface and a rounded outer surface;

a support structure extending from the outwardly facing surface of said base, having a retaining mechanism adapted to frictionally retain the object; and

said rounded inner surface of said female coupling mechanism interlocks with a male coupling mechanism of an adjacent holder so that said bases of the holders form a continuous loop, and further where said rounded outer surface of said female coupling mechanism is shaped and adapted to be seated in a groove between adjacent teeth on a sprocket; and

said male coupling mechanism extending from said base with a slot located through said base and adjacent to said male coupling mechanism;

said female coupling mechanism extending from said base having a distal end, which distal end is shaped in order to be received in said slot of an adjacent holder; and

wherein the distal end of the female coupling mechanism can pass through said slot located adjacent to said male holder-engaging mechanism of an adjacent holder to which the female coupling mechanism is inserted to allow the holder and the another holder to spread apart in relation to each other.

57. (Twice Amended) A holder to retain an object, the holder adapted to interlock with similar

holders to form a continuous loop, each holder comprising:

a base having an outward surface adapted to be adjacent an edge of the object and an inward surface having a male coupling mechanism and a female coupling mechanism, said female coupling mechanism having a rounded inner surface and a rounded outer surface;

a first and second finger extending from the base, each finger [having a retaining mechanism] adapted [for retaining] to be positioned adjacent to an edge of the object;

wherein the rounded inner surface of the female coupling mechanism of said holder is adapted to interlock with a male coupling mechanism of an adjacent holder to form a flexible hinge, the male coupling mechanism nesting within the female coupling mechanism, and said rounded outer surface of the female coupling mechanism is shaped and adapted to nest within a groove between adjacent teeth of a sprocket;

said male coupling mechanism extending from said base with a slot located through said base and adjacent to said male coupling mechanism;

said female coupling mechanism extending from said base having a distal end, which distal end is shaped in order to be received in said slot of an adjacent holder; and

wherein the distal end of the female coupling mechanism can pass through said slot located adjacent to said male holder-engaging mechanism of an adjacent holder to which the female coupling mechanism is inserted to allow the holder and the another holder to spread apart in relation to each other.

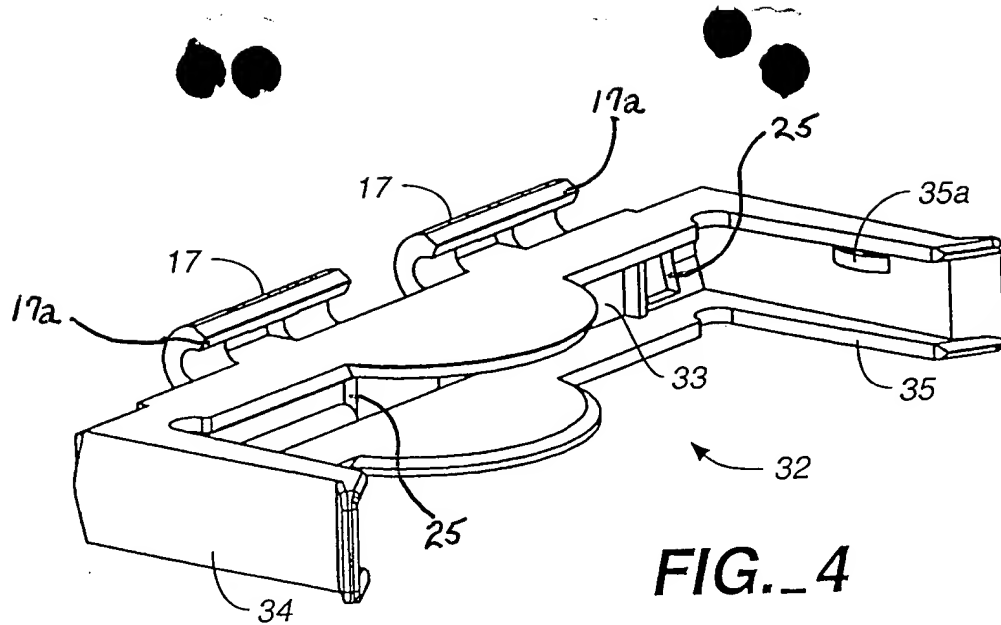


FIG. 4

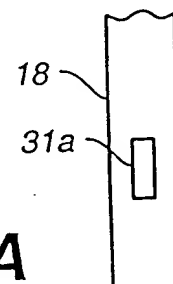


FIG. 4A

DRAWING
 CORRECTION
 APPROVED
 KAT
 12/27/02

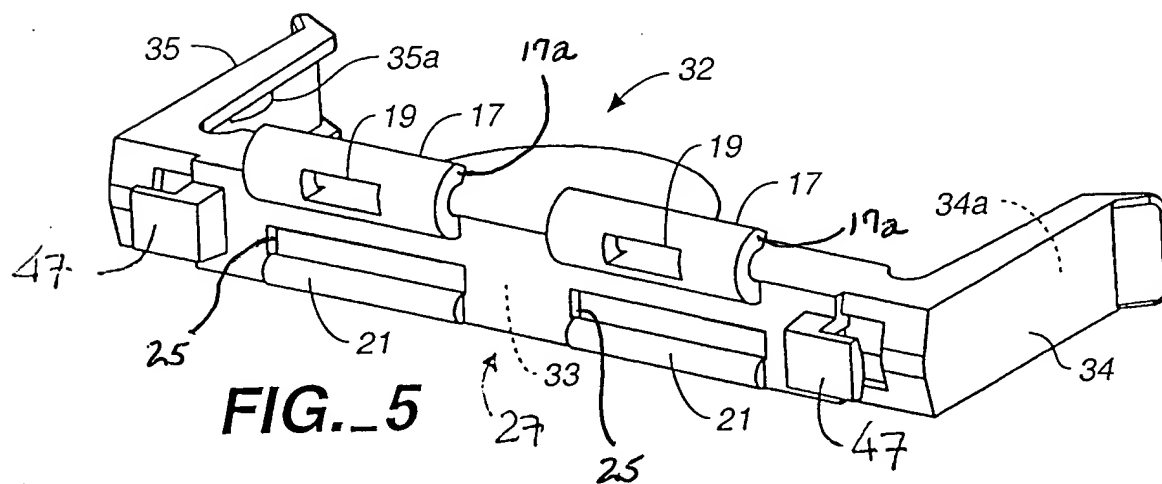


FIG. 5

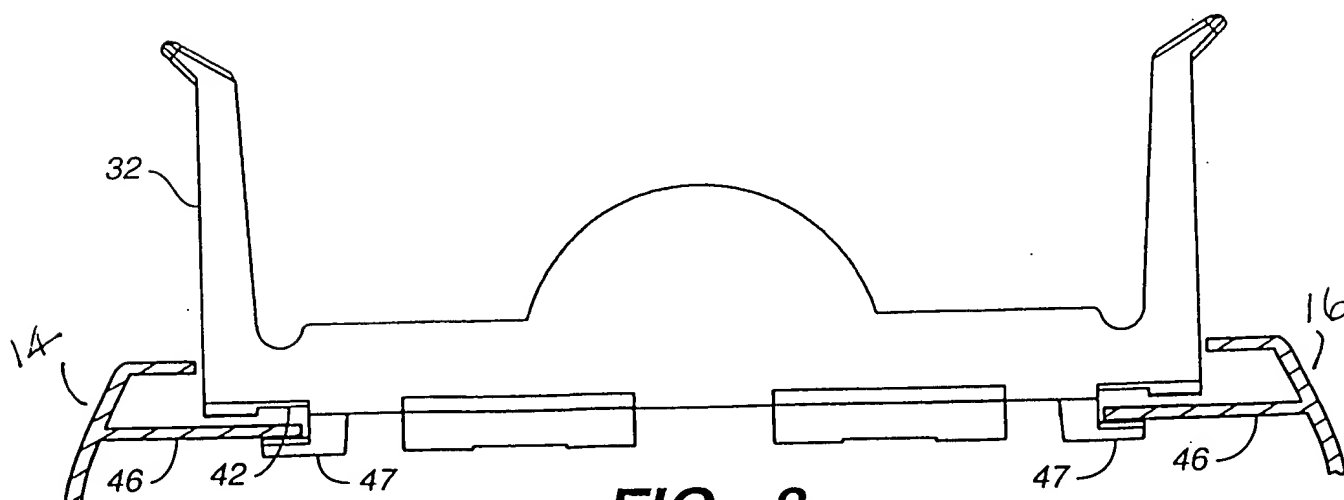


FIG. 8

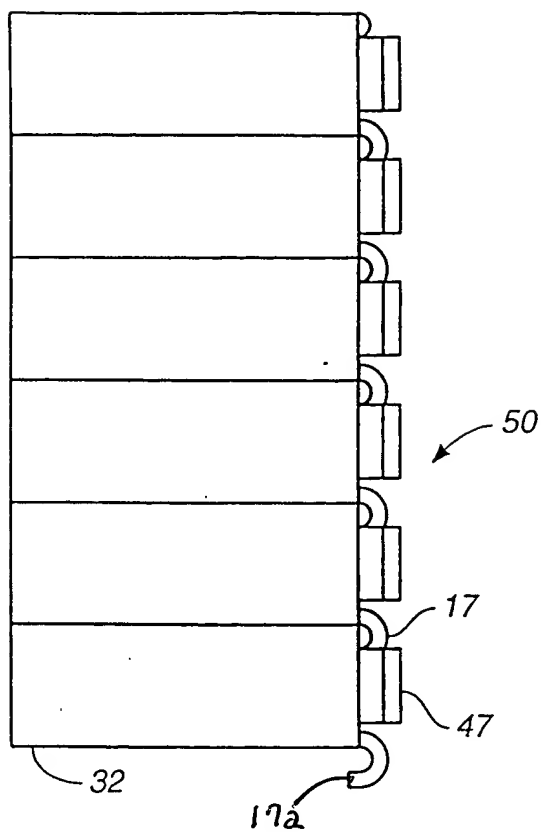


FIG._6A

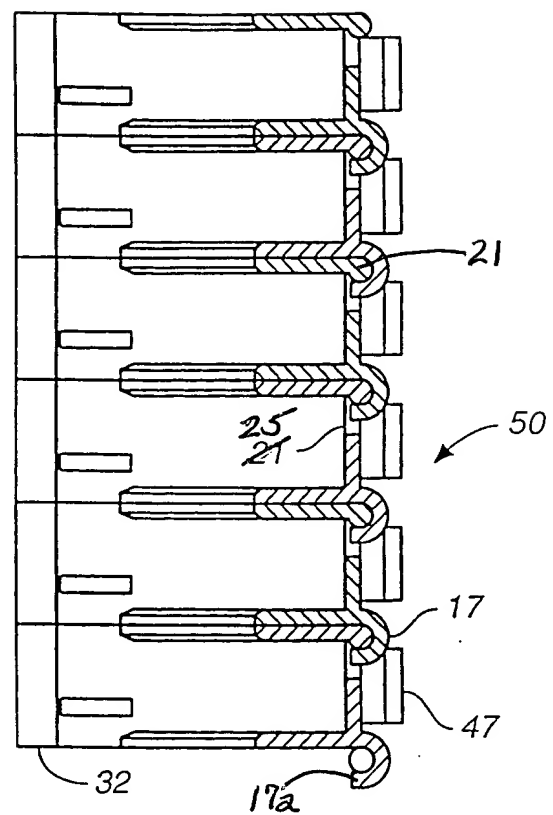


FIG._6B

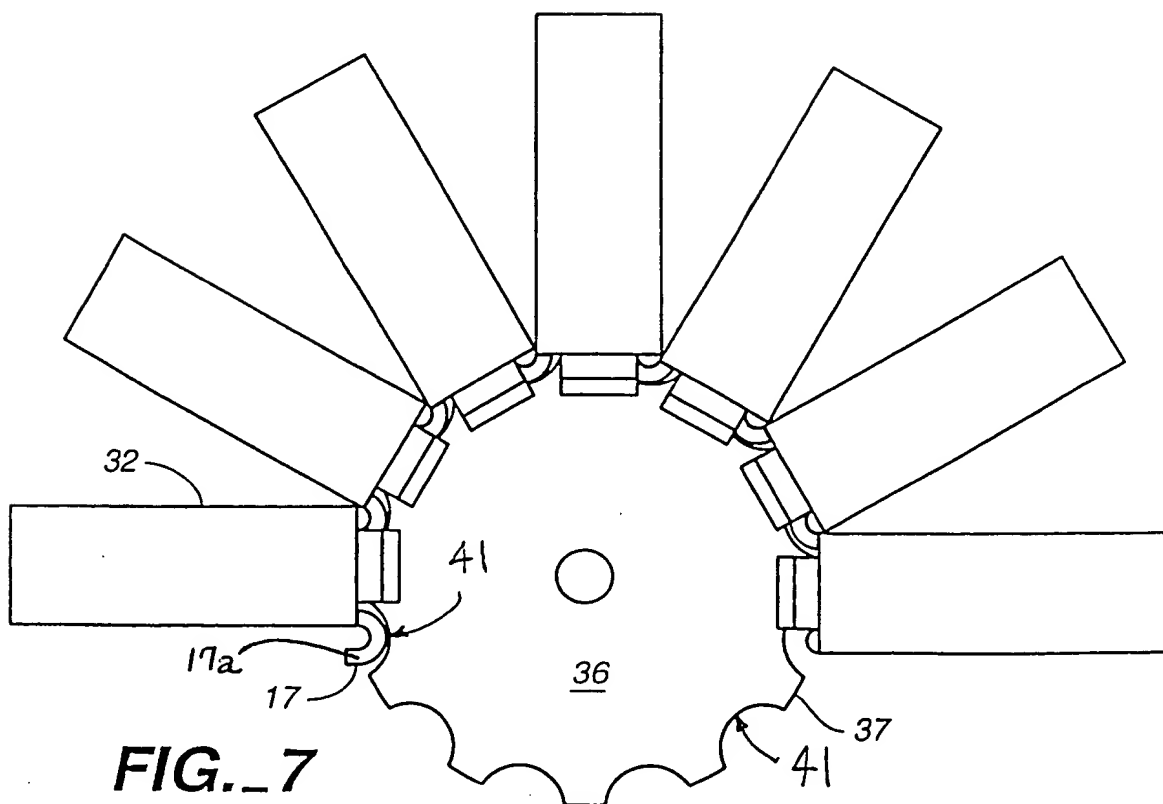


FIG._7